

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE: REALPAGE, INC., RENTAL SOFTWARE ANTITRUST LITIGATION (NO. II)	)	Case No. 3:23-md-3071 MDL No. 3071
)	
	)	Chief Judge Waverly D. Crenshaw, Jr.
)	
	)	JURY DEMAND
)	
	)	This Document Relates to:
	)	3:23-cv-00330
	)	3:23-cv-00333
	)	3:23-cv-00337
	)	3:23-cv-00339
	)	3:23-cv-00387
	)	3:23-cv-00389
	)	3:23-cv-00414

**PLAINTIFFS’ OPPOSITION TO DEFENDANT BH’S AND DEFENDANT CH’S
MOTIONS TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

On July 6, 2023, certain parties moved the Court to enter a stipulation and order “deferring the issue of personal jurisdiction and venue for 180 days.” Dkt. 317 (“Deferral Motion”). On July 7, 2023, two Defendants that did not join the Deferral Motion, BH Management Services, LLC (“BH”), and CH Real Estate Services, LLC (“CH”), filed motions to dismiss for a lack of personal jurisdiction in the transferor court(s). *See* Dkts. 326, 327, respectively (collectively, “PJ MTDs”).

On July 24, 2023, Plaintiffs filed *Kabisch v. RealPage, Inc. et al.* in this District. *See* Complaint, *Kabisch v. RealPage, Inc., et al.*, (M.D. Tenn.) (filed concurrently on this date) (hereinafter, “*Kabisch*”). *Kabisch* names BH and CH as defendants, and includes allegations that BH owns or operates “five properties in the Greater Nashville Metro Area.” *Kabisch* ¶ 44. *Kabisch* also includes allegations that CH is headquartered in Nashville, Tennessee. *Kabisch* ¶ 48. Thus, personal jurisdiction is established in this district by virtue of BH and CH’s contacts with

Tennessee. *See Bristol-Myers Squibb Co. v. Superior Ct. of Cal., San Francisco Cnty.*, 582 U.S. 255, 264 (2017) (personal jurisdiction proper based on “affiliation between the forum and the underlying controversy, principally, an activity or an occurrence [related to the controversy] that takes place in the forum State”); *Canaday v. Anthem Cos., Inc.*, 9 F.4th 392, 396 (6th Cir. 2021) (personal jurisdiction proper in federal court sitting in state “where the defendant is incorporated or headquartered”). On the civil cover sheet, Plaintiffs identified that *Kabisch* is related to this multidistrict litigation (“MDL”). *See Civil Cover Sheet, Kabisch v. RealPage, Inc., et al.*, (M.D. Tenn.) (filed concurrently on this date). Once *Kabisch v. RealPage* is administratively transferred to this Court and added to the MDL docket, Plaintiffs intend to dismiss both BH and CH from the constituent complaints at issue in their respective motions without prejudice, with the class action claims against BH and CH to be instead litigated under the *Kabisch* complaint. *See* Dkts. 326,¹ 327.²

At the conclusion of the above course of events, which Plaintiffs expect to occur in the coming days, (1) neither BH nor CH will be named as a defendant in any case where either has contested personal jurisdiction; and (2) this Court will have personal jurisdiction over BH and CH in this MDL pursuant to the allegations contained in *Kabisch*.

Accordingly, Plaintiffs respectfully request that this Court deny the PJ MTDs as moot.

¹ BH’s motion pertains to the following constituent cases: 3:23-cv-00330 (M.D. Tenn.); 3:23-cv-00333 (M.D. Tenn.); 3:23-cv-00337 (M.D. Tenn.); 3:23-cv-00339 (M.D. Tenn.); 3:23-cv-00387 (M.D. Tenn.); 3:23-cv-00389 (M.D. Tenn.); and 3:23-cv-00414 (M.D. Tenn.).

² CH’s motion pertains to the constituent case 3:23-cv-00333 (M.D. Tenn.).

Dated: July 24, 2023

/s/ Tricia R. Herzfeld

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Plaintiffs' Steering Committee Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld